



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

ELECTRONIC MAIL
CONFIRMATION OF EMAIL RECEIPT REQUESTED

Mr. Curtis Murdock
Gulfstream Aerospace Corporation
500 Gulfstream Road
Savannah, Georgia 31408
Curtis.Murdock@gulfstream.com

Re: Gulfstream Aerospace Corporation
FIFRA Notice of Warning
Case File No. FIFRA-04-2021-0807

Dear Mr. Murdock:

The U.S. Environmental Protection Agency has obtained evidence indicating that Gulfstream Aerospace Corporation appears to be in violation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). On or about May 13, 2020, FedEx incorrectly filed an entry in the U.S. Customs and Border Protection (CBP) Automated Commercial Environment (ACE) system on behalf of Gulfstream, showing that the product being imported was not a pesticide or pesticide device. The shipment contained a pesticide device product, specifically a Model NPS-A6 Water Treatment Unit, and arrived at the Port Memphis, Tennessee FedEx Hub under entry number 799-72234254 on or about May 13, 2020. On June 2, 2020, the entry was denied for failing to file a pesticide device entry. On August 21, 2020, Gulfstream notified the EPA that the part was installed on a customer aircraft and could not be retrieved.

On or about October 27, 2020, FedEx incorrectly filed an entry in the CBP ACE system on behalf of Gulfstream, showing that the product being imported was not a pesticide or pesticide device. The shipment contained a pesticide device product, specifically a Model NPS-A6 Water Treatment Unit, and arrived at the Port of Memphis, Tennessee FedEx Hub under entry number 799-96357792 on or about October 23, 2020. On or around November 10, 2020, Crane Worldwide Logistics, LLC replaced the entry with CWL-11674604 showing the entry arrived at the Port of Atlanta, Georgia. On January 13, 2021, the entry was given a may proceed.

On or about November 18, 2020, FedEx incorrectly filed an entry in the CBP ACE system on behalf of Gulfstream, showing that the product being imported was not a pesticide or pesticide device. The shipment contained a pesticide device product, specifically Model NPS-A6 Water Treatment Unit, and arrived at the Port Memphis, Tennessee FedEx Hub under entry number 799-99698887. On or around December 2, 2020, Crane Worldwide Logistics, LLC replaced the entry with CWL-11670420 showing the entry arrived at the Port of Atlanta, Georgia. On or around December 15, 2020, the EPA was notified via email that the product was consumed.

After a review of the labels provided for the Model NPS-A6 Water Treatment Units, the EPA determined that the units were misbranded due to the absence of a precautionary statement and directions for use statement. Pursuant to 40 C.F.R. § 156.10(a) and Section 2(q)(1)(A) of FIFRA, a pesticide or a device declared subject to FIFRA pursuant to 40 C.F.R. § 152.500, is misbranded if its labeling does not include a precautionary statement and directions for use statement. Pursuant to Section 12(a)(1)(F) of FIFRA, 7 U.S.C. § 136j(a)(1)(F), it shall be unlawful for any person in any State to distribute or sell to any person any device which is misbranded. Further, one or more entries outlined above were not filed, prior to the import of this product. Pursuant to FIFRA Section 12(a)(2)(N), 7 U.S.C. § 136j(a)(2)(N), it is unlawful for any person to fail to file reports required by this Act.

In response to the potential violation of FIFRA, the EPA is issuing this Notice of Warning (NOW) to Gulfstream pursuant to FIFRA Section 9(c)(3), 7 U.S.C. § 136g(c)(3). The EPA has determined at this time that a Notice of Warning is the appropriate enforcement response for the company's apparent violation of FIFRA, provided that within 30 days of the receipt of this NOW, an authorized official of Gulfstream submit a signed statement indicating that compliance with FIFRA has been achieved and identifying the actions taken to achieve compliance with the requirements set forth above and submit photographs of the pesticide product label and labeling that are legible and show the product in compliance with FIFRA. If this statement is not submitted and/or compliance is not achieved, the EPA may initiate a more formal enforcement action which could include the assessment of a civil penalty. Your statement and photographs should be submitted to:

Kimberly Tomczak
Pesticides Enforcement Section
U.S. EPA Region 4
61 Forsyth Street S.W.
Atlanta, Georgia 30303-8960

In the event that the EPA decides to initiate a more formal enforcement action, you will be notified in writing and provided an opportunity to meet with the EPA or conduct a conference call to present any facts, evidence or arguments as to why the EPA should not initiate such action.

Since your company may be classified as a small business, you may want to review the Information Sheet "U.S. EPA Small Business Resources," which can be found on the internet at: www.epa.gov/compliance/small-business-resources-information-sheet. This document will provide you with information regarding compliance and rights you may be entitled to under the Small Business Regulatory Enforcement Fairness Act.

If you have any questions about this letter, and/or would like to discuss the above-stated findings by the EPA, or would like a copy of the Information Sheet, please contact Kimberly Tomczak of my staff at (404) 562-8987 or by email at tomczak.kimberly@epa.gov.

Sincerely,

Kimberly L. Bingham
Chief
Chemical Safety and Land Enforcement Branch

cc: Ms. Jennifer Wren, GDA (jennifer.wren@agr.georgia.gov)